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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,003	01/03/2006	Michael Kristensen	66386-362-7	9443
25369 7590 06/17/2009 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005				
EXAMINER				
VOLZ, ELIZABETH J				
ART UNIT		PAPER NUMBER		
3781				
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06/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,003

Applicant(s)

KRISTENSEN, MICHAEL

Examiner

ELIZABETH VOLZ

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

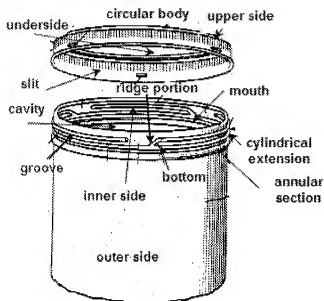
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins (U.S. Patent No. 2,257,715).

3. Regarding Claims 1 and 7, Hopkins discloses a packing with screw thread which includes a container body 64 (Figure 8) with associated lid 70 (Figure 8), a mouth (Figure 1 below) of the container body being constituted by a cylindrical extension (Figure 1 below) with circular cross section, the cylindrical extension having an inner side (Figure 1 below) facing a cavity (Figure 1 below) of the container body and an outer side (Figure 1 below) including an annular section (Figure 1 below) projecting therefrom, including ridge portions (Figure 1 below) which are upwardly oriented toward a rim of the mouth to define a number of open grooves (Figure 1 below) that are substantially evenly distributed along the outer side circumference, and are oriented towards a rim 84 (Figure 9) of the mouth and having a bottom (Figure 1 below), where the lid, which is constituted by a generally flat, largely circular body (Figure 1 below) with a diameter greater than a diameter of the cylindrical extension (Figure 8), with an upper side (Figure 1 below) and an underside (Figure 1 below), interacts with the cylindrical extension for closing the mouth of the packing, as the lid along the periphery includes

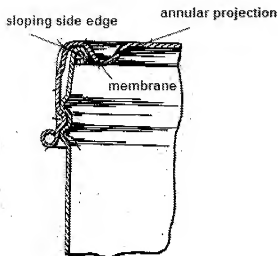
an annular section 78 (Figure 9) oriented towards the underside of the lid facing the outer side of the cylindrical extension having screw threads 68 (Figure 8) for reception in the grooves by placing the lid on the mouth and by making a relative, turning movement between the lid and the container body, whereby the underside of the lid is pressed against the rim of the cylindrical extension, and where the grooves and the screw threads (Figure 9), respectively, each includes one half of mutually interacting arresting means for arresting the lid in the screwed on position, wherein one half of the arresting means are constituted by a projection 40 (Figure 4) provided in at least one of the grooves close to its bottom and oriented transversely of the grooves and standing up from a bottom (Figure 1 below) of the grooves, and the second half of the arresting means are constituted by the screw threads in the lid having a slit (Figure 1 below) for receiving the projections for detachable arresting of the lid on the mouth in the same moment as the lid assumes the screwed on position on the mouth of the container body with the underside pressed against the rim of the mouth of the container body.

Figure 1 (Hopkins)



4. Regarding Claim 2, Hopkins discloses a side of the lid facing the cavity of the container body 64 (Figure 8) which includes a membrane (Figure 9 below) centered about a middle of the lid, the membrane constituted by an annular, projecting section (Figure 9 below) which at least includes a sloping side edge (Figure 9 below) oriented towards the mouth (Figure 1 above) of the container body and continuing into a side running in parallel with the internal side of the mouth, the side being pressed against the inner side of the mouth at its rim when mounting the lid in the arrested position, simultaneously with the underside of the lid being pressed against the rim of the mouth of the container body (Figure 9).

Figure 9 (Hopkins)



5. Regarding Claim 3, Hopkins discloses an annular projection section 78 (Figure 8) which is conical, as the section closest to an upper side of the lid has a diameter at least corresponding to the internal diameter for the cylindrical extension of the mouth of the container body, and the section closest to the underside of the lid has a diameter being less than the internal diameter of the cylindrical extension, and the sloping side edge runs mainly rectilinearly between the part of the section closest to the underside of the lid and the side running in parallel with the internal side of the mouth of the container body (Figure 9).

6. Regarding Claim 4, Hopkins discloses an annular section 78 (Figure 8) constituting the membrane with the sloping side edge is lowered relatively to the underside of the part of the lid in contact with the container rim in mounted, arrested condition of the lid (Figure 9), whereby the extent of the side of the annular, projecting section pressed with the inner side of the mouth is increased (Figure 9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopkins (U.S. Patent No. 2,257,715) in view of Krueger (U.S. Patent No. 6,371,317).

9. Regarding Claim 5, Hopkins discloses all the limitations substantially as claimed except for a section under the open grooves which forms one side limitation of a recess, the other side limitation of which being constituted by a projection at the outer side of the container body, and on the rim of the annular section of the lid there is found a spotwisely fastened, annular ring, to the underside of which with tab hinges are fastened a plurality of downwards projecting and bendable, interspaced tabs along the entire circumference of the ring, the tabs being intended for accommodation in the recess at the outer side of the container body by placing the lid in screwed on position on the mouth of the container body so that the free sides of the tabs are in contact with the side limitation in the recess. However, Krueger teaches a section (Figure 1 below) under the open grooves which forms one side limitation of a recess (Figure 7 below), the other side limitation of which being constituted by a projection 16 (Figure 7) at the outer side of the container body, and on the rim of the annular section of the lid there is found a spotwisely fastened, annular ring 30 (Figure 1), to the underside of which with

Art Unit: 3781

tab hinges are fastened a plurality of downwards projecting and bendable, interspaced tabs 34 (Figure 1) along the entire circumference of the ring, the tabs being intended for accommodation in the recess at the outer side of the container body by placing the lid in screwed on position on the mouth of the container body so that the free sides of the tabs are in contact with the side limitation in the recess (Column 3, Lines 38-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hopkins to include the above limitations, as taught by Krueger, in order to indicate when the container has been tampered with.

Figure 1 (Krueger)

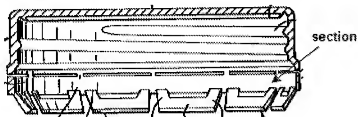
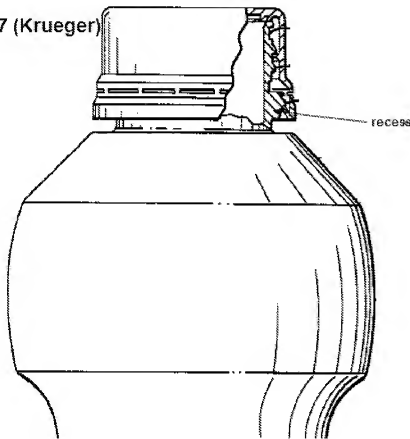


Figure 7 (Krueger)



10. Regarding Claim 6, Hopkins discloses all the limitations substantially as claimed except for spotwise fastening of an annular ring to the rim of the annular section of the lid which is made so that the spotwise fastening is broken by a relative turning displacement between the lid and the container body which is oriented opposite to the screwing direction of the lid. However, Krueger teaches the spotwise fastening being broken by a turning displacement between the lid and the container body (Column 3, Lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hopkins to include the above limitations, as taught by Krueger, in order to indicate when the container has been tampered with.

Response to Arguments

11. Applicant's arguments filed May 19, 2009 have been fully considered but they are not persuasive. Applicant argues that amended Claim 1 clearly defines over Hopkins U.S. Patent No. 2,257,715). However, as shown in the above rejection, Hopkins discloses ridge portions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/GARY L. WELCH/
Supervisory Patent Examiner, Art Unit 3765